Diocese of South Dakota

Policy 25: Procedures
Concerning Sexual Misconduct

I. INTRODUCTION

The Diocese of South Dakota is deeply committed to the safety and well being of all its members. The Baptismal Covenant *(Book of Common Prayer, p. 304ff)* calls each baptized person to respect the dignity of every human being, to seek and serve Christ in all persons, and to love our neighbors as ourselves. Clergy and those responsible (volunteers or employees) for parish, educational, or recreational activities are expected to maintain the highest ethical standards in all their relationships with those for whom they have responsibility.

The 1549 *Book of Common Prayer* has as part of its Ordinal the following words:

> "Have always printed in your remembrance, how great a treasure is committed to your charge. For they are the sheep of Christ, which he bought with his death, and for whom he shed his blood."

These words are a forceful reminder to clergy, employees, and volunteers, of the trust committed to them by the Church to nurture and care far every member.

In recent years it has become increasingly clear that some clergy as well as some lay employees and volunteers have engaged in sexual misconduct which has hurt those persons entrusted to their care. This is not a new phenomenon. Unfortunately, instances of sexual misconduct were in the past sometimes denied by church authorities or dealt with secretly. The Church is now confronting the fact of sexual misconduct and is working diligently to institute policies and procedures for response to such misconduct.

The Diocese of South Dakota is a place where every effort is being made to deal responsibly with allegations of misconduct keeping in rnimd that a uniform procedure ensures that all cases and all parties involved, will be treated with compassion and justice as well as consistency.

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II. POLICY

The Diocese of South Dakota strictly prohibits sexual misconduct of any type by any ordained person (deacon, transitional deacon, priest, or bishop) canonically resident or functioning in the Diocese of South Dakota, or by any other church worker or volunteer.

The Diocese of South Dakota defines sexual misconduct as follows:

Abuse:	Sexual abuse or sexual molestation of any person, including but not limited to, any sexual involvement, sexual activity, or sexual contact with a person who is a minor or who is legally incompetent.
Harassment:	Sexually oriented humor or language, questions or comments about sexual behavior or preference, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements, in a situation where there is an employment, mentor, or colleague relationship between the persons involved.
Exploitation:	The development, or the attempted development, of a sexual or romantic relationship between a cleric or other church worker and a person with whom he/she has a pastoral and fiduciary relationship, whether or not there is consent from the individual.

Pastoral relationship means: A relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides pastoral counseling, pastoral care, spiritual direction, or spiritual guidance or from whom such cleric, employee, or volunteer has received confession or confidential or privileged information.

All ordained persons (deacon, transitional deacon, priest, or bishop) canonically resident or functioning in the Diocese of South Dakota, and all postulants and candidates for ordination, are required to sign the Covenant For Sexual Responsibility, copies of which will be kept on file in the Office of the Bishop.

The Diocese of South Dakota strictly prohibits interaction with children and youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or anyone known to have a paraphiliac diagnosis (e.g., pedophilia, ephebophilia, exhibitionism, voyeurism, etc.) as defined by the American Psychiatric Association.

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III. PROCEDURES

1. Any person who believes he or she has been sexually abused, harassed, or exploited by a member of the clergy canonically resident in the Diocese of South Dakota or functioning in the Diocese of South Dakota, is entitled to a timely meeting with the Diocesan Bishop.

2. When information from a confidential background investigation, letter, telephone call, or personal conversation is received by the Diocesan Bishop regarding alleged sexual misconduct by a clergy person, the Bishop will cause a preliminary investigation to look into the matter.

3. The clergy person involved will be contacted for a meeting to be held as soon as possible. The clergy person will be told in clear terms the nature of the meeting.

4. The Bishop or his designate and one other diocesan representative will meet with the clergy person to question him or her and to receive further information about the allegation(s). Such meeting will be documented by the diocesan representative.

5. After this meeting, the Bishop has several options:

a) If the Bishop determines that no further action is warranted, the complainant and the clergy person will both be notified in writing that the Bishop does not plan to take any further action, unless additional supporting information can be provided.

b) If the Bishop determines that sexual misconduct took place and corrective action is needed, the Bishop will then decide which of the following non—exclusive actions may be merited, which are cumulative and may be modified by addition or deletion as the investigation proceeds:

i) If a godly admonition or pastoral direction as described in the Canons of the Episcopal Church (Title IV) is appropriate;

ii) If inhibition of functioning as a clergy person is appropriate. During inhibition, further investigation of the alleged sexual misconduct will be done which may lead to suspension or deposition according to the Canons of the Episcopal Church (Title IV);

iii) What action, if any, must be taken pursuant to the South Dakota Codified Laws (or any other applicable state's law);

iv) If the clergy person's behavior should be evaluated by a therapist specializing in assessment of clergy sexual misconduct;

v) What the clergy person would do for appropriate treatment and the possibility of restoration to ordained ministry if he or she has been inhibited or suspended;

vi) If and when the Wardens and Vestry of the clergy person's congregation (or the equivalent) will be notified;

vii) If and when a pastoral response to the complainant is possible and appropriate;

viii) Following the conclusion of the investigation, the complainant should be notified of what action was taken.

The Bishop may decide on any or all of the above actions or other actions that the circumstances indicate. The Bishop shall consult with the Chancellor regarding the decisions to be made.

6. If the Bishop is undecided whether sexual misconduct took place after the preliminary investigation, the Bishop may cause the investigation to be continued using a variety of resources to determine the validity of the allegations which may include a legal investigation. If after further investigation the Bishop determines that sexual misconduct took place, the Bishop will decide what further actions as outlined above are needed. The Bishop, in such instance, shall consult with the

The privacy and rights of the complainant and clergy person will be considered during all investigations and procedures. However, these interests may have to be balanced against the rights and interests of others.

Lay Employees and Volunteers: Although the above refers to the Diocesan Bishop's response to allegations of sexual misconduct by clergy, the Diocese also prohibits sexual misconduct, as that term is defined herein, by any church worker or volunteer. As a result, any allegation of sexual misconduct by a church worker or volunteer will be promptly investigated, and appropriate action, up to and including, discharge or severance of the relationship, will be taken.

Diocese of South Dakota
June 1994

COVENANT FOR SEXUAL RESPONSIBILITY

For the purposes of this covenant, I, the undersigned, understand that the Diocese of South Dakota defines sexual misconduct in the following way:

Abuse:	Sexual abuse or sexual molestation of any person, including but not limited to, any sexual involvement, sexual activity, or sexual contact with a person who is a minor or who is legally incompetent.
Harassment:	Sexually oriented humor or language, questions or comments about sexual behavior or preference, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance, or repeated requests for social engagements, in a situation where there is an employment, mentor, or colleague relationship between the persons involved.
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Pastoral relationship means: A relationship between a cleric, employee, or volunteer and any person to whom such cleric, employee, or volunteer provides pastoral counseling, pastoral care, spiritual direction, or spiritual guidance or from whom such cleric, employee, or volunteer has received confession or confidential or privileged information.

I agree to abstain from any behavior that constitutes sexual abuse, sexual harassment, sexual coercion, or sexual exploitation of children or adults while I minister in any institution related to the Diocese of South Dakota, regardless of whether I work as a paid employee or volunteer.

I understand that if I engage in such behavior I will be subject to a disciplinary process and agree to fully participate in that process. Further, I acknowledge that such process may result in termination of employment and, if ordained, inhibition, suspension or deposition according to the Canons of the Episcopal Church.

I acknowledge that I have received the *Policy and Procedures Concerning Sexual Misconduct* of the Diocese of South Dakota, I understand it, and agree to abide by it.

_____ _____

Signature Witness Signature

_____ _____

Print or type full name Print or type Witness full name

_____

Date